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MEDIA RELEASE

Councilmember Tam's Response to the Honolulu Ethics Commission
Advisory Opinion No. 2010-2

Yesterday, I received an official advisory opinion from the Honolulu Ethics Commission ("Commission") regarding an investigation into the use of my City Council Annual Contingency Fund ("ACA"). Before I had even had a chance to review it and discuss its contents with my family, I found that the document had been released to all the media outlets. Journalists and reporters were barraging my cell-phone and office phones with requests for comment. It was my intention to first discuss this matter privately with my family and issue an official statement the next day but my family and I were never afforded that choice.

Chuck Totto, the Executive Director of the Honolulu Ethics Commission, who conducted the investigation, purposefully submitted a political article to the Hawaii Reporter to disclose the Commission's finding just hours after he e-mailed the official document to me. I wasn't aware that it was the the Honolulu Ethics Commission's procedure when it concludes an investigations and discloses its findings that it does so through a politically motivated media outlet like the Hawaii Reporter.

Although I am very upset at the unprofessional conduct exhibited by the Executive Director of the Honolulu Ethics Commission, I would like to state that in order to move forward I have agreed to the stipulations contained in the advisory opinion while admitting no wrongdoing or violations of any standards of conduct and subsequently do not believe there is a basis to impose a civil fine.

The majority of the amount in question was incurred while I was under the opinion that meeting constituents outside of the office to discuss their concerns was an essential part of my responsibilities as a councilmember. Constituents tell me they feel more comfortable discussing issues outside of my office in a comfortable setting. It was only during the course of his investigation that Mr. Tutto decided, after the fact and devoid of any previous opinions from his office, that he would now impose his own personal interpretation of how the ACA should be used and what was an acceptable use of the Council's ACA. At no time in the past has Mr. Tutto or his office given the City Council any guidance or opinion on this subject even though all councilmembers are required to attend his ethics training classes. He has never once mentioned any concern over the use of the ACA in any of the ethics training classes the councilmembers have been required to attend. I do in fact agree with one of Mr. Tutto's recommendations (D) that the City Council should review its current policy on the use of the ACA to make it clearer and better defined, meaning that the current policy in effect could result in a misinterpretation by any councilmember. It was in fact my suggestion to him that if he had previously provided the council with an official opinion as to the specific use of the ACA it would have prevented any misunderstanding of its use.

I do accept responsibility for several reimbursements that were submitted with incorrect totals and have agreed to reimburse the City for those errors. Also, several reimbursements were submitted in error and those will also be reimbursed to the City.

It was also my responsibility to insure that the information contained in my annual financial disclosures were accurate and through an oversight I failed to meet that responsibility. Due to this oversight several non-profit cultural organizations and proposed business partnerships were not disclosed but in none of those entities did I hold any financial interest nor receive any financial compensation or convey any financial benefit as a result of my position as a city councilmember. The proposed business partnerships have long been dissolved and were never officially executed. The financial records of all these entities are available for review at the Department of Commerce and Consumer Affairs.

As a result of the advisory opinions presented by the Commission I have agreed with Council Chair Todd Apo to subject any future use of my ACA for his review and approval.

I have been told by numerous people that they suspect that this investigation has a political basis stemming from my declarations to run for the Office of Lt. Governor and subsequently for Mayor should that office become available. I will not be deterred and will continue to move forward to do the job I was elected to do by the people.

I apologize to my fellow councilmember and to the residents of Honolulu for any distractions this may cause at a time when the City's budget should be our primary focus. It is my intention to abide by all the stipulations contained in the advisory opinion and to uphold the responsibilities of my office and continue to provide representation to the constituents of my council district as well as all the residents of Honolulu to the best of my abilities.